



APPROPRIATION LINE ITEM AND BOILERPLATE HISTORY

DEPARTMENT OF ATTORNEY GENERAL PART 1: LINE ITEM DETAIL 2022 PA 166 FY 2022-23 Initial Sec. 102(1) APPROPRIATION SUMMARY 1. Full-time equated (FTE) unclassified positions - Positions that are exempted from 6.0 the classified State civil service pursuant to Article XI, Section 5 of the Michigan Constitution. These positions include elected officials, heads of principal departments, a limited number of policy-making positions in departments, and some members of boards and commissions. 2. Classified FTE positions - All positions in classified State civil service. One FTE 543.4 position equals 2,088 hours. 3. **GROSS APPROPRIATION** - Total appropriations \$118,273,000 4. Interdepartmental grants (IDG) - Funds that are also appropriated in other budgets. 35,954,600 These funds are categorized as IDGs in the department that spends the funds and are therefore subtracted from the Gross Appropriation to avoid double counting total statewide appropriations. ADJUSTED GROSS APPROPRIATION - Gross appropriations less IDGs. 81,318,400 6. Federal revenue - Funding allocated to the State by the Federal government. 10,101,900 7. Local revenue - Funds paid by local units of government that support State services 0 and programs. 8. Private revenue - Available appropriated funds from private sources, including 0 funding from non-governmental agencies. 9. State restricted revenue - Revenue earmarked for a specific purpose by the State 20,786,700 Constitution, statute, or appropriation bill. Restricted revenue also includes general fund/special purpose funds, such as fee revenue used to support licensing programs. 10. State general fund/general purpose (GF/GP) - Revenue that has no constitutional 51,429,800 or statutory restrictions on how it is used. 11. Payments to locals - State appropriations from GF/GP or State restricted revenues 0 that will be allocated to local units of government. Sec. 102 (2) ATTORNEY GENERAL OPERATIONS

\$112,500 1. Attorney general

The Attorney General is a constitutional officer who acts as the chief law enforcement officer of the State, and as the head of the Department of Attorney General. Public Act 232 of 1919 empowers the Attorney General to intervene in any action in any court of the State whenever such intervention is necessary to protect any right or interest of the State, or the people of the State. The Revised Statutes of 1846 provide that the Attorney General shall prosecute and defend all actions in which the State shall be interested. The Attorney General also advises and supervises local prosecuting attorneys in all matters pertaining to the duties of their offices. The salary of the Attorney General is set by the State Officers Compensation Commission under amendments to the State Constitution approved by the voters on August 6, 2002. The position of Attorney General counts as one of the department's 6.0 unclassified positions.

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2022 PA 166 FY 2022-23 Initial Unclassified positions 900,300 Unclassified FTE positions 5.0 This line item funds 5.0 FTE unclassified positions. These positions consist of the Solicitor General, Director of Public Affairs, Chief Legal Counsel, Constituent Relations Representative, and Special Assistant to the Attorney General. 3. Administrative Support 46.0 Classified FTE positions 23,239,200 The Department of Attorney General has offices in Lansing, Detroit, and Grand Rapids. The Department is organized into the following bureaus: Criminal Justice and Victim Rights Bureau Consumer Protection Bureau Civil Rights and Civil Litigation Bureau Environmental and Real Property Bureau **State Government Bureau Finance Division** Health Education and Family Services Division **Labor Division** Revenue and Tax Division State Operations Division **Attorney General Operations Operations/General Department** Child Elder Family Financial Crimes Division Child Support Division **Complex Litigation** Executive **Human Resources** Office of Communications Office of Constituent Relations Office of Legislative Affairs **Opinions Review Board** Solicitor General This line was first included in FY 2022-23, when the Attorney General Operations line items was split into Administrative Support, Civil bureaus, and Criminal Bureaus. Prior to the split, the line was appropriated at \$96,025,900 Gross and 498.4 FTE positions. 4. Child support enforcement \$3,660,600 Classified FTE positions 25.0 This division was established by the Attorney General in 2003. Funding for the program consists of \$2,703,900 in Federal Title IV-D funding and \$918,800 in GF/GP revenue. Civil bureaus \$64,589,500

Civil Rights and Civil Litigation Bureau

Civil Litigation, Employment, and Elections Division

362.0

Civil Rights Division

Classified FTE positions

Hate Crimes Unit Initiative

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SCFRA and Collections Divisions

Consumer Protection Bureau

- Alcohol and Gambling Enforcement Division
- Auto Insurance Fraud Unit Initiative
- Consumer Protection Division
- Consumer Protection Initiative
- Corporate Oversight Division
- Health Care Fraud Division
- Licensing and Regulation Division
- Public Service Commission

Environmental and Real Property Bureau

- Environment, Natural Resources, and Agriculture Division
- Flint Water Initiative
- Public Administration
- Special Litigation
- Transportation Division

This line was first included in FY 2022-23, when the Attorney General Operations line items was split into Administrative Support, Civil bureaus, and Criminal Bureaus.

6. Criminal bureaus \$10,494,400

Classified FTE positions

90.4

Criminal Justice and Victim Rights Bureau

- Children and Youth Services Division
- Conviction Integrity Unit Initiative
- Corrections Division
- Criminal Division
- Criminal Appellate Division
- Drug Unit Initiative
- Elder Abuse Task Force Initiative
- Financial Crimes Division
- Human Trafficking Initiative
- Prosecuting Attorneys Coordinating Council

This line was first included in FY 2022-23, when the Attorney General Operations line items was split into Administrative Support, Civil bureaus, and Criminal Bureaus.

7. Prosecuting attorneys coordinating council

\$2,678,100

Classified FTE positions

14.0

The Prosecuting Attorneys Coordinating Council (PACC) was created as an autonomous entity within the Department of Attorney General by the Prosecuting Attorneys Coordinating Office Act (1972 PA 203). The statute provides that the Council shall keep prosecuting attorneys and assistant prosecuting attorneys of the State informed on changes in legislation, law, and matters pertaining to their office with a goal toward a uniform system of conduct, duty and procedure being established in each county of the State. The PACC provides continuing professional education for prosecutors and their staff, assists with legal research, and information technology services. In particular, the PACC operates the case tracking system that tracks and communicates arrest and conviction information among courts, law enforcement, Department of Corrections, victims, and other agencies. It also generates warrants, subpoenas, and notices, including victims' rights notices. This software is used by 79 counties.

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Revenue in the Fund is generated from a \$5.00 assessment on certain civil infractions, excluding parking tickets. Under statute and the provisions of Executive Order 2001-5, funds are awarded by the Michigan Commission on Law Enforcement Standards. Sixty percent of the Fund is distributed on a per capita basis to police departments. The balance (40%) is distributed through a competitive grant process. PACC applies for a grant of all 83 county prosecutors. The funds are used for county prosecutors and their staff to attend PACC training or other approved training.

Beginning in FY 2015-16 the funds from the Michigan Justice Fund in the Michigan State Police are not available thus additional General Fund dollars are appropriated in order for the PACC to provide all of the necessary trainings.

In FY 2022-23, the line item was increased \$410,100 and 2.0 FTE positions to support additional training.

DEPARTMENT OF ATTORNEY GENERAL PART 1: LINE ITEM DETAIL

	PART 1: LINE HEM DETAIL	
		2022 PA 166 FY 2022-23 Initial
8.	Public safety initiative	\$888,600
	Classified FTE positions	1.0
	This line item was added in FY 2012-13 to fund special attorneys general to assist in clearing a backlog of outstanding cases in financially distressed cities including Flint, Saginaw, Pontiac, and Detroit.	
9.	Sexual assault law enforcement	\$1,465,000
	Classified FTE positions	5.0
	This line item was added in FY 2015-16 to provide funding for the testing and prosecution of backlogged sexual assault cases across out-state Michigan. A total of \$3.0 million in one-time funding was appropriated in FY 2014-15 for the testing and prosecution of backlogged sexual assault cases in Wayne County.	
	Unit Gross Appropriation	\$108,121,000
	Interdepartmental grant revenues	35,954,600
	Federal revenues	10,101,900
	Total state restricted revenues State general fund/general purpose	20,786,700 41,277,800
Sec	102 (3) INFORMATION TECHNOLOGY	,_,,,,,,
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1.	Information technology services and projects	\$1,652,000
	This line funds a portion of the information technology charges paid by the Department of Attorney General to the Department of Technology, Management, and Budget (DTMB). Executive Order 2009-55 transferred the responsibilities of the former Department of Information Technology to the newly combined DTMB. Previously, Executive Order 2001-3 centralized all technology related positions and functions and created the Department of Information Technology (DIT). Beginning in FY 2002-03, appropriation bills consolidated funding within each department for information technology services into a new appropriation unit.	
	Unit Gross Appropriation	\$1,652,000
	State general fund/general purpose.	1,652,000
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Sec. 1.	102 (4) ONE-TIME BASIS ONLY APPROPRIATIONS Job court	\$5,000,000
••	This line item was first included as a one-time appropriation in FY 2022-23 to hire 5.0 limited-term employees to create a pilot program to reduce the criminal record for those who obtain employment. The pilot program will be conducted in Wayne, Genesee, and Marquette counties.	φο,σσο,σσο
2.	Organized retail crime unit This line item is a one-time appropriation was first included in FY 2022-23 to hire 6.5 limited-term employees to the Organized Retail Fraud Unit with the Department's Criminal Division to protect Michigan businesses by reducing organized retail crime. The intent is for the unit to be self-sufficient and fully funded with restricted revenue within 3 years.	\$3,500,000
	Unit Gross Appropriation State general fund/general purpose.	\$8,500,000 8,500,000

Section Number	Description and History
301	Contingency Authorization. Provides that a limited amount of Federal, State Restricted, local, and private revenues that come in during the year, such as a new Federal grant, can be appropriated upon approval of a contingency authorization transfer to a line item by the Appropriations Committees of both houses of the Legislature. Contingency fund transfers are limited to the following revenue amounts: \$750,000 Federal, \$750,000 State Restricted, \$50,000 local, and \$50,000 private.
	Background: Contingency fund language was re-inserted in FY 2007-08. Authorization amounts were reduced by 50% in FY 2019-20 to the amounts listed above. Changed from "fund" to "authorization" in FY 2021-22.

302 Attorney General Responsibilities.

Section 302(1) provides that the Attorney General shall perform all legal services to principal executive departments and State agencies. Prohibits executive departments and agencies from employing or contracting with other persons for legal services.

Background: This subsection was first included in FY 1973-74. The language has been in every subsequent annual General Government Appropriation Bill. The Executive Budget Recommendation for FY 1974-75 transferred 17 attorney positions and 13.4 support positions from other departments because the positions provided legal assistance.

Section 302(2) requires the Attorney General to defend judges of State courts in civil actions related to the performance of the judge's duties.

Background: This subsection was added in FY 1984-85 due to legislative concerns related to the Judiciary hiring private counsel to defend a trial court judge in Wayne County.

Section 302(3) provides that the Attorney General shall perform all duties specified in Chapter 12 of the Revised Statutes of 1846, MCL 14.28 to 14.35, which consist of:

- Prosecuting and defending all actions in the Supreme Court with a State interest. (MCL 14.28)
- Intervening in any matter, civil or criminal, in which the people of the State have an interest. (MCL 14.28)
- Handling all suits relating to State departments. (MCL 14.29)
- Supervising and advising prosecuting attorneys and submitting reports. (MCL 14.30 & 14.31)
- Giving opinions on questions of law submitted by the Legislature, Governor, Auditor General, Treasurer, or other State officials. (MCL 14.32)
- Depositing lawsuit cash proceeds into a restricted fund in the State Treasury to be used as provided by law. (MCL 14.33)
- Maintaining records of all proceedings in which the Attorney General participates. (MCL 14.34)
- Appointing assistant attorneys general. (MCL 14.35)

The subsection also requires the Attorney General to carry out the duties of Public Act 232 of 1919, MCL 14.101 to 14.102, which provides for the Attorney General to intervene in any action in any court to protect the interests of the State or the people. The Attorney General can bring and prosecute any action on behalf of the State or the people in the Circuit Court of Ingham County. Finally, the subsection requires the Attorney General to perform duties otherwise provide by law.

Background: This section has been in for many years and refers to the statutory responsibilities of the Attorney General.

Enforcing Michigan Law. It is the intent of the legislature that the funds appropriated in part 1 are allocated for the Attorney General to fulfill her role of upholding and enforcing any and all state and federal laws.

Background: This section was first included in FY 2022-23

302a

	2022 PA 166
Section Number	Description and History
303	<u>Biennial Reports</u> . Authorizes the sale of biennial reports in excess of the 350 copies that may be distributed on a gratis basis. Requires price to be set at not less than the actual cost and money received from the sale of reports shall be deposited in the State General Fund. The section requires that electronic copies of the report shall be available on the Attorney General's website.
	Background: Gratis copies of the biennial report are provided to the State Library, county prosecutors, State agencies, Attorney General Divisions, the Michigan Supreme Court, and the United States Supreme Court. Report revenue was \$702.00 in FY 2011-12. In FY 2003-04, the number of gratis copies was reduced from 500 to 350 and the language changed to specifically provide that the Legislature shall not receive gratis copies. The FY 2003-04 changes also required the Department to make the report available on the Internet.
304	<u>State Employee Worker's Disability Compensation Cases</u> . The Attorney General retains responsibility for legal representation of State of Michigan State employee worker's disability compensation cases. Specifies that the Risk Management Revolving Fund appropriation which supports this work is funded by billings for the actual cost of legal representation.
	Background: First included in FY 1995-96 due to the privatization of the State Accident Fund. The language was modified in FY 2003-04 to reflect a change in the Third Party Administrator for these cases.
305	Third Circuit Court Food Stamp Fraud Cases. Appropriates up to \$400,000, in addition to amounts appropriated in Part 1, for reimbursement for food stamp fraud cases heard by the Third Circuit Court of Wayne County, which were initiated by the Attorney General.
	Background: This section was first included in FY 1997-98 due to Court Reorganization legislation enacted in 1996. The reimbursement of Federal funds to Wayne County was previously included in the Judiciary Budget pursuant to a contract between the Family Independence Agency, the Prosecuting Attorneys Association of Michigan, and the Department of Attorney General. No reimbursement payments have been made to Wayne County since 2008 and none are anticipated because the AG is currently handling cases in-house.
306	<u>Tobacco Litigation.</u> Provides that any proceeds from a lawsuit or settlement agreement initiated by the State against a manufacturer of tobacco products are State funds and subject to the appropriations process.
	Background: This section was first included in FY 1997-98.
306a	<u>Settlement Proceeds.</u> Any proceeds from a lawsuit initiated by or settlement agreement entered into on behalf of this state by the attorney general may not be expended for either criminal prosecution or litigation unless appropriated by the legislature.
	Background : First included in FY 2022-23 in response to new settlement agreements being pursued by the State, which includes the Opioid settlements.
307	Revenue from Enforcement Cases. Appropriates up to \$250,000 in enforcement revenue or attorney fees recovered from antitrust, securities fraud, consumer protection, or class action enforcement to cover the costs of those cases. Permits no more than \$250,000 of this revenue to carryforward.
	Background: This section was added by a supplemental, Public Act 360 of 2004, and included in subsequent State budgets. It had been vetoed previously from the annual budget for FY 2004-05 (Public Act 327 of 2004) with a carryforward amount of \$1,000,000. Recent revenue carried

FY 2017-18 \$250,000 FY 2019-20 \$250,000 FY 2018-19

forward is as follows:

	2022 PA 166
Section Number	Description and History
308	<u>Litigation Expense Reimbursements.</u> (1) Appropriates up to \$500,000 from litigation expense reimbursements awarded to the State. (2) Provides that funds may be used to pay litigation settlements or attorney fees assessed against the Office of the Governor, the Department of Attorney General or the Governor or Attorney General when they are acting in an official capacity as the named party in litigation against the State. Funds may also be used for State costs incurred pursuant to MCL 770.16 (DNA testing). Provides for carry forward of unexpended funds up to a maximum of \$250,000. (3) Restricts appropriation from criminal prosecution or litigation.
	Background: This section was added in FY 2020-21. In FY 2022-23, the section was modified to include (3).
309	Prisoner Reimbursement Funds. Authorizes the AG to spend up to \$564,100 on activities related to the State Correctional Facilities Reimbursement Act, 1935 PA 253, MCL 800.401-800.406. Provides that if the Department of Attorney General collects in excess of \$1,131,000, the excess, limited up to \$1,000,000, may be spent on the representation of the Department of Corrections and its officers, employees and agents in defense of litigation or civil actions filed by prisoners.
	Background: This section was first included in FY 2003-04. The increased authorization for restricted funding offset a General Fund reduction of \$800,000. This section was modified by two FY 2003-04 supplemental appropriation bills (2003 PA 173 and 2003 PA 237), and the FY 2004-05 appropriation bill. Carry forward authorization included by the Legislature in FY 2004-05 and FY 2005-06 was vetoed by the Governor in both years. In FY 2011-12 the Attorney General recovered \$2,891,000 from prisoner reimbursement cases.
	Spending limits for recent fiscal years are as follows: FY 2012-13: \$497,900 FY 2013-14: \$614,400 FY 2015-16: \$611,900 FY 2016-17: \$625,200 FY 2017-18: \$627,400 FY 2018-19: \$636,500 FY 2019-20: \$542,000 FY 2020-21: \$556,100 FY 2021-22: \$552,600 FY 2022-23: \$564,100
309a.	Correctional Facility Reimbursement Act. Requires the Department to provide a report on the total reimbursements received under Section 6 of the State Correctional Facility Reimbursement Act (1935 PA 253), the amount paid to conduct the investigations from these reimbursements, and the amount credited to the General Fund from these reimbursements.
	Background: First included in FY 2019-20. The maximum amount was revised in FY 2020-21.
310	<u>Child Support Funding.</u> Requires the Department of Health and Human Services to maintain a cooperative agreement with the Attorney General for Federal IV-D funding to support the child support enforcement activities of the Attorney General. The section provides that the Attorney General shall have access (to the extent allowable by Federal law) to any information used by the State to locate parents who fail to pay child support.

312 <u>Spending Prohibition.</u> Prohibits the use of funds in addition to those appropriated in Part 1 for providing legal services to State departments or agencies. Includes exceptions for costs of expert witnesses, court costs, or non-salary costs of litigation.

Background: First included in FY 2003-04 consistent with the creation of the Child Support

Background: This section was added in FY 2007-08.

Enforcement Division within the Department of Attorney General.

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Section Number	Description and History
313	<u>Lawsuit Settlement Proceeds Fund Report.</u> Requires the Attorney General's Office to submit a quarterly report on the Lawsuit Settlement Proceeds Fund.
	Background: This section was added in FY 2019-20.
314	<u>Lawsuit Proceeds for Drinking Water Contamination.</u> Allows the Department to use up to \$2.7 million of lawsuit settlement proceeds to pay for costs and associated expenses related to the declaration of emergency due to drinking water contamination. Additionally, limits the per hour rate to \$250 for any outside attorneys retained.
	Background: This section was added in FY 2016-17 as a result of increased litigation costs for the Department of Attorney General related to the Flint water crisis. The language was amended in FY 2017-18 to cap the amount that may be used for expenses related to the declaration of emergency due to drinking water contamination at \$2.0 million and that the remaining \$600,000 of the appropriation be used by the PACC for IT upgrades. Also added the allowable used of \$180,000 for patent infringement cases. The \$250 hourly limit for outside attorneys was added in FY 2018-19.
315	<u>Legacy Costs.</u> This language lists the authorized amount of the appropriations in Part 1 that may be used for legacy costs as well as an estimate of the amount of pension-related legacy costs. For FY 2021-22 pension-related legacy costs are estimated at \$10,494,300 and retiree health care legacy costs are estimated at \$6,790,800.
	Background: This section was added in FY 2014-15.
316	Sexual Assault Law Enforcement Efforts. (1) From the funds appropriated in part 1 for sexual assault law enforcement efforts, the department shall use the funds for testing of backlogged sexual assault kits across this state. The funding provided in part 1 shall be distributed in the following order of priority: (a) To eliminate all county sexual assault kit backlogs across this state. (b) To assist local prosecutors with investigations and prosecutions of viable cases. (c) To provide victim services. (2) The department of the attorney general shall provide a report by February 1. The report shall include the following information: (a) The number of sexual assault kits across this state that remain untested as of January 31. (b) A detailed work plan outlining the department's action plan to eliminate all outstanding sexual assault kits and the time frame for completion of testing of all untested sexual assault kits.

- (c) A detailed work and spending plan outlining anticipated litigation action and expenditures resulting from findings of the sexual assault kit testing. The report shall be submitted to the state budget office, the senate and house fiscal agencies, and the senate and house of representatives standing committees on appropriations subcommittees on general government.
- (3) Any funds remaining after the department has met the obligations required under subsection (1) may be used for the purpose of retesting any previously tested sexual assault kits across this state using currently available DNA testing. Funds only may be used for DNA testing on previously tested kits that were not tested for DNA. If there are remaining untested sexual assault kits on January 31, 2023, funds appropriated in part 1 shall only be used for the testing of those kits.
- (4) Appropriations in part 1 for sexual assault law enforcement shall not be expended until all existing work project authorization available for the same purposes is exhausted.

Background: This section was added in FY 2015-16. This section was modified in FY 2017-18 to place the focus of the use of the funds first on testing all remaining untested kits and then testing previously tested kits using new DNA testing. In FY 2022-23, the section was modified to include (4)

Section Number	Description and History
317	Flint Expenditure Report. Requires the Department to submit a semi-annual report to the Legislature providing a detailed accounting of all funds spent related to the Flint Water Crisis. The report also shall include a listing of any investigations and resulting prosecutions and requires all materials related to all of those investigations to be preserved at an academic institution or other facility.
	Background: This section was added in FY 2016-17 as a result of the Flint water crisis to give the legislature a tool to monitor the Department of Attorney General's related expenditures.
319	<u>Wrongful Imprisonment Compensation Fund.</u> Requires a quarterly report listing all payments made from the fund, the known pending cases requiring a payment in the next quarter, and the fund balance at the end of each reported quarter. In addition, the Department must include the number of claims files and the corresponding amount of the settlement.
	Background: This section was added in FY 2018-19. Language was added in FY 2020-21 to require the total of all payments.
320	<u>Lawsuit Settlement Notification.</u> Requires the Department to notify the appropriations chairs and fiscal agencies of all lawsuit settlements with a fiscal impact of \$200,000 million or more within 10 days of that settlement.
	Background: This section was added in FY 2019-20 and declared unenforceable by the Governor. The section was included and the amount revised to \$2.0 million in FY 2020-21. Removed section prohibiting Attorney General from entering any lawsuit contrary to the laws of the State. In FY 2022-23, the amount was reduced from \$2.0 million to \$200,000.
321	Attorney General Lawsuit Notification. Requires the Attorney General to notify the House and Senate appropriations subcommittees on General Government when filing a lawsuit against the federal government is filed. Language also requires that the Attorney General provide an estimate of the cost to the Department for its involvement in the lawsuit.
	Background: This section was added in FY 2019-20. The section was modified in FY 2020-21 to remove a requirement that the Attorney General appear in person. Modified in FY 2021-22 to change notification to written notification.
322	<u>Department Initiatives and Activities Report.</u> Requires the Department to report the amounts spent by line item appropriation and must include each funding source.
	<u>Background:</u> This section was added in FY 2020-21. Modified in FY 2021-22 to reflect current initiatives.
324	<u>Misclassified Entities Complaints Report.</u> Requires the Department to submit an annual report on the activities and findings of the payroll fraud enforcement unit.
	Background: This section was added in FY 2021-22.
330	<u>Job Court.</u> Appropriates the funds appropriated in part 1 for job court, the department of attorney general is authorized to hire 5.0 limited-term employees.
	Background: First included in FY 2022-23
331	<u>Job Court.</u> (1) From the funds appropriated in part 1 for organized retail crime unit, the department of attorney general may hire 6.5 limited-term employees to develop an organized retail crime unit, with the intent that the unit be self-sufficient and fully funded with restricted fund dollars rather than general fund dollars within 3 years. (2) Included Work Project authorization with a completion date on 2027.
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Background: First included in FY 2022-23